

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
APPLICATION FOR CHANGE

REPORT OF EXAMINATION

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

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Surface Water

(Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

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Ground Water

(Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE 1863	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER Vol. 4, Page 14 (B)
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NAME JAMES F. FERREL			
ADDRESS (STREET) Route 4, Box 245	(CITY) Walla Walla	(STATE) Washington	(ZIP CODE) 99362

PUBLIC WATERS TO BE APPROPRIATED

SOURCE Titus Creek		
TRIBUTARY OF (IF SURFACE WATERS) Walla Walla River		
MAXIMUM CUBIC FEET PER SECOND 0.05	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR 12

QUANTITY, TYPE OF USE, PERIOD OF USE  
0.033 cubic feet per second from April 1 to July 1; 0.025 cubic feet per second from July 1 to October 1 and 0.05 cubic feet per second from October 1 to April 1 for the irrigation of 2.5 acres with the following exception (see Provisions No. 2).

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL  
350 feet north and 2600 feet east from the W $\frac{1}{4}$  corner of Sec. 18

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) SE $\frac{1}{4}$ NW $\frac{1}{4}$	SECTION 18	TOWNSHIP N. 7	RANGE, (E. OR W.) W.M. 37 E	W.R.I.A. 32	COUNTY Walla Walla
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RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Beginning at the center of Sec. 18, T. 7 N., R. 37 E.W.M., and run thence N 1°-35' E along the centerline of said Sec. 295.2 feet to the True Point of Beginning for this said description; thence continue N 1°-35' E along said centerline a distance of 349.59 feet to a point in the centerline of the county road; thence N 84°-17' W along the county road 396.0 feet; thence leaving the county road and running thence S 2°-28' W 372.0 feet; thence S 87°-32' E a distance of 400.75 feet to the point of beginning. EXCEPTING that portion lying in the county road; Together with all water rights, appurtenances and hereditaments thereunto belonging; Subject to easements and restrictions of record.



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**DESCRIPTION OF PROPOSED WORKS**

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Pump, pipeline and sprinklers

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**DEVELOPMENT SCHEDULE**

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BEGIN PROJECT BY THIS DATE:

Started

COMPLETE PROJECT BY THIS DATE:

Completed

WATER PUT TO FULL USE BY THIS DATE:

Completed

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**REPORT**

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**BACKGROUND**

An application for change of water right was submitted by James F. Ferrel and accepted by Department of Ecology on February 15, 1990. The applicant proposes to change the place of use and add points of diversion to Walla Walla River Adjudication Certificate No. 14. The proposed additional points of diversion are to be located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 18, T. 7 N., R. 37 E.W.M.

A notice of application for change was duly published in accordance with RCW 90.03.280; no protests or objections were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

**INVESTIGATION**

Walla Walla River Adjudication Certificate No. 14 authorizes the diversion of water from Titus Creek (0.397 cubic feet per second from April 1 to July 1; 0.298 cubic feet per second from July 1 to October 1 and 0.596 cubic feet per second from October 1 to April 1) for the irrigation of 29.8 acres. The three authorized points of diversion are within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 18, T. 7 N., R. 37 E.W.M. The place of use of this certificate encompasses 202.6 acres.

The purpose of this application for change is to determine the division of Adjudicated Certificate No. 14 among the three parties with property appurtenant to the place of use, and to record the points of diversion that are being used.

The three landowners involved are <sup>James F.</sup> Jim and Barbara Ferrel, Seafirst National Bank (trustee for the Henry J. and B. Laurine Copeland Trusts) and Vern and Lois Riggert. The Riggerts later sold their property to Robert and Josephine Faultersack and Keith and Janice Walters.

Several visits with the concerned parties were made by Bill Neve during 1990 and 1991. The investigation revealed that the extent of beneficial use of water under Adjudicated Certificate No. 14 is as follows:

The Riggerts have irrigated 12 acres of their property on a regular basis from a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 18, T. 7 N., R. 37 E.W.M. They were growing wheat on this ground at the time of the initial investigation.

The Ferrels have been irrigating approximately 2.5 acre of lawn and garden surrounding their home from a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Sec. 18. On a separate property located west of their home, the ~~Riggerts own~~ <sup>Ferrel</sup> a rental house with one (1) acre of lawn and garden that has been irrigated from Titus Creek at a separate point of diversion also located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Sec. 18. This is one of the additional points being applied for.

The remainder of the water right has not been put to beneficial use for a period of time in excess of five (5) years. The Henry J. and B. Laurine Copeland Trusts control most of the 202.6 acre place of use under Adjudicated Certificate No. 14, and have contracted with Mr. Ferrel to farm the property. This land has not been irrigated from Titus Creek, nor is there any evidence of a point of diversion having existing for this portion of the right.

Discussions with Mr. John Sharpe and Mr. Jim Piche' (Trust Officers with Seafirst National Bank) confirmed that no irrigation from Titus Creek on the Trusts' lands has taken place for a period well in excess of five years. A relinquishment order regarding the remaining 14.3 acres of water right under Adjudicated Certificate No. 14 was sent to Jim Piche' at the Seafirst-Richland Office in October of 1991; no appeal was taken. The second additional point of diversion that was applied for herein was to be used for the Trusts' portion of the water right; this additional point will be denied.

There is an authorized point of diversion within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 18, T. 7 N., R. 37 E.W.M. that is no longer in use. This point will be deleted from the water right certificates.



**CONCLUSIONS AND RECOMMENDATIONS**

It is the conclusion of the examiner that: the additional point of diversion and the division of Adjudicated Certificate No. 14 will not enlarge the right conveyed by the original certificate and that existing rights will not be impaired.

It is recommended that Adjudicated Certificate No. 14 be divided into three (3) superseding certificates (A, B and C) which reflect the use of water and points of diversion confirmed through this investigation. The amounts of water will remain proportional to the number of acres irrigated in conformity with the duty adopted in the Walla Walla River Adjudication Decree.

(A) Faultersack - 0.156 cubic feet per second from April 1 to July 1; 0.12 cubic feet per second from July 1 to October 1; 0.24 cubic feet per second from October 1 to April 1 for the irrigation of 12 acres (see Provision No. 2). Point of diversion - SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 18.

(B) Ferrel - 0.033 cubic feet per second from April 1 to July 1; 0.025 cubic feet per second from July 1 to October 1; 0.05 cubic feet per second from October 1 to April 1 for the irrigation of 2.5 acres (see Provisions No. 2). Point of diversion - SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 18.

(C) Ferrel - 0.013 cubic feet second from April 1 to July 1; 0.01 cubic feet per second from July 1 to October 1; 0.02 cubic feet per second from October 1 to April 1 (see Provision No. 2). Point of diversion - ~~SW $\frac{1}{4}$ NW $\frac{1}{4}$~~  of Sec. 18 - NEW point. *For the irrigation of one acre. SE $\frac{1}{4}$  cac*

It is further recommended that the second additional point of diversion applied for herein within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  be denied.

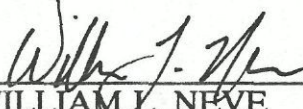
These changes are subject to the following provisions:

(1) This superseding certificate changes the point of diversion and place of use as provided by Chapter 90.03.380 RCW and supersedes Certificate of Water Right recorded in Vol. 4 of Water Right Certificates at Page 14 dated June, 1929 which was issued by a decree of the Superior Court of the State of Washington in and for Walla Walla County, made and entered on the 12th day of September, 1928 and recorded in Vol. 16 of the Superior Court Journal of said County at Page 1. The decree determined the rights of all known claimants to the use of the waters of Titus Creek, a tributary of the Walla Walla River.

(2) When the supply of water for irrigation purposes from April 1 to October 1 is insufficient in the Walla Walla Valley to fill any right in the above-mentioned decree, the owner of such a right is entitled to divert water during the period of October 1 to April 1. The total diversion shall not exceed 5 acre feet per acre for any year beginning October 1.

(3) The above-mentioned decree establishes this right in Class 4.

Signed at Spokane, Washington  
this 13th day of March, 1992

  
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WILLIAM L. NEVE  
Water Resources Program  
Department of Ecology